

Attachment B

Resolution 09-25

Proposed Modified Regulatory Language for 15-day Comment Period

Note: This document shows the modifications to the originally proposed regulation on February 5, 2009. The modifications to the originally proposed language are shown in ~~strikeout~~ to show proposed deletions and underline to show proposed additions.

Proposed Regulation Order

Regulation for Under Inflated Vehicle Tires

Adopt new section 95550 of article 1, chapter 1, subchapter 10, division 3, title 17, California Code of Regulations, to read as follows:

Section 95550 Purpose and Definitions

- (a) Purpose.** The purpose of this regulation is to reduce greenhouse gas emissions from vehicles operating with under inflated tires by inflating them to the vehicle manufacturer's suggested pressure rating.
- (b) Applicability.**

 - (1) This regulation applies to all automotive service providers performing or offering to perform automotive maintenance or repair services in California.
 - (2) This regulation does not apply to:

 - (A) auto body and paint facilities;
 - (B) auto glass installers;
 - (C) auto parts distributors or retailers;
 - (D) auto wreckers or dismantlers;
 - (E) vehicles with a GVWR over 10,000 lbs.;
 - (F) tires determined to be unsafe by an automotive service provider;

(G) vehicle tires that have received a tire inflation service in the past 30 days, provided that the customer presents verification to the automotive service provider.

(c) Definitions.

- (1) ~~“ANSI B40.1 Grade B Tire Pressure Gauge” means a dial-type tire gauge that meets or exceeds the~~ is an accuracy standard defined by the American National Standards Institute. ~~mechanical accuracy rating.~~
- (2) “ARB” means the California Air Resources Board.
- (3) “Auto Body and Paint Facility” means a business that ~~repairs,~~ reconstructs, or paints motor vehicles and does not perform or offer to perform automotive maintenance or repair services.
- (4) “Auto Glass Installer” is a business that repairs or replaces damaged automotive windshields and windows and does not perform or offer to perform automotive maintenance or repair services.
- (5) “Auto Parts Distributer or Retailer” is a business that sells replacement parts or performance accessories for cars, trucks, vans and sport utility vehicles and does not perform or offer to perform automotive maintenance or repair services.
- (6) “Auto Wrecker or Dismantler” means an automobile ~~automotive~~ dismantler, as defined in ~~title 13, California Code of Regulations~~ section 220 of the Vehicle Code and does not perform or offer to perform automotive maintenance or repair services.
- (7) “Automotive Maintenance or Repair Services” includes, but is not limited to, the performance of any automotive diagnostics of or repairs made to a motor vehicle.
- (8) “Automotive Service Provider (ASP)” is any business ~~or person who~~ that performs or offers to perform automotive maintenance or repair services (including, but not limited to, automotive dealerships, maintenance garages, oil change facilities, tire centers, and smog check or test only facilities).
- (9) “Gross Vehicle Weight Rating (GVWR)” is defined in Vehicle Code Section 350.

- (10) “Pure Nitrogen” means minimum 98% purity nitrogen.
- (11) “Tire Inflation Reference Manual Guidebook or Yearbook” is a resource (ie. book or electronic) that contains tire inflation specifications for original equipment tires and wheels and non-original equipment sized tires and wheels, Tire inflation Guidebooks and Yearbooks can be purchased online, from local tire dealers, or from most tire manufacturers.
- (12) “Tire Pressure Gauge” means a device that measures the air pressure of tires with an accuracy rating that meets or exceeds the ANSI B40.1 Grade B standard.
- (132) “Under Inflated Tire” means a tire that is one pound per square inch (psi) or more below the vehicle manufacturer’s recommended pressure.
- (143) “Unsafe Tires” means any tire ~~deemed~~ considered unsafe by the Automotive Service Provider in accordance with standard industry practices, due to tire wear, age, tread irregularity, or damage. Examples include any tire with exposed ply or cord, sidewall crack, bulge, knot, or ply separation.
- (154) “Vehicle Service Invoice” is a document given to the customer that provides a list of the service repairs performed and the associated costs. meets the invoice requirements of Business and Professions Code section 9884.8 of the California Code of Regulations section 3356.
- (16) “Vehicle Tires” means the four operating tires on the vehicle.

(d) Requirements and Compliance Deadlines. Automotive service providers must meet the following requirements:

- (1) By July 1, 2010, all automotive service providers are required to:
- (A) check and inflate each vehicle’s tires to the vehicle manufacturer’s recommended pressure with air or pure nitrogen, as appropriate, at the time of performing any automotive maintenance or repair service; and
 - (B) indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the service was performed. If a tire inflation service was not performed (i.e. tire(s) were considered ~~deemed~~

unsafe, or a tire pressure service was completed in the past 30 days) the automotive service provider must indicate on the vehicle service invoice why the service was not completed; and

- (C) use and maintain an ANSI B40.1 Grade B or equivalent tire gauge for checking tire pressure; and
- (D) ~~maintain, on the premises,~~ have access to a Tire Inflation Reference Manual guidebook ~~or yearbook~~ that is current within three years of the publication date; and
- (E) keep a copy of the vehicle service invoice for a minimum of three years, and make the vehicle service invoice available to ARB, or its authorized representative upon request. ~~onsite in accordance with the Business and Professions Code Section 9884.11 of the California Code of Regulations section 3356;~~ and
- (F) ~~provide documentation of the vehicle service invoice to authorized enforcement personnel upon demand.~~

Any Customers with vehicle tires inflated with pure nitrogen gas are also subject to the requirements in section (d)(1)(A-~~E~~F), but may refuse the inflation portion of the service if a nitrogen inflation system is not available at the time of the service.

(e) **Penalties and Injunctions.** ~~Any automotive service provider or owner or operator who fails to comply with the requirements of this regulation may be subject to penalties pursuant to Section 38580 of the Health and Safety Code.~~

- (1) **Penalties.** Penalties may be assessed for any violation of this article pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense.
- (2) **Injunctions.** Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.

(f) **Enforcement.** ~~Enforcement of this section may be carried out by ARB personnel, and any authorized representatives of ARB.~~

(f) Relationship To Other Law. Nothing in this section allows automotive service providers to operate in violation of other applicable laws, including but not limited to:

- (1) California Vehicle Code
- (2) Health and Safety Code
- (3) Business and Professions Code
- (4) any other applicable law, ordinance, rule or requirement as stringent as, or more stringent than the requirements in section (d) of this regulation.

(g) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 38510, 38560, 39600, and 39601, Health and Safety Code. Reference: Sections 38510, 38560, 39600, Health and Safety Code.